

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

CINQUE DONALDSON

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Criminal No. CCB-09-0220

MEMORANDUM AND ORDER

Now pending is the motion by Cinque Donaldson for a reduced sentence under the First Step Act of 2018. For the reasons stated below, the motion will be granted.

Donaldson pled guilty on October 20, 2009, immediately before trial, to five charges: distribution and possession with intent to distribute 5 grams or more of cocaine base (Counts One and Three); distribution and possession with intent to distribute 50 grams or more of cocaine base (Count Two); possession of a firearm in furtherance of a drug-trafficking crime (Count Four); and unlawful possession of a firearm (Count Five). He was sentenced to 240 months of incarceration concurrent on Counts One, Two, and Three, the then-applicable mandatory minimum on Count Two because of a § 851 notice filed by the government; 120 months concurrent on Count Five; and 60 months consecutive on Count Four, for a total of 25 years.

Donaldson was sentenced as a career offender because of two prior drug felonies. Counsel appear to agree that his guideline range remains the same today: at offense level 35, and criminal history category VI, the range is 292–365 months, plus 60 months consecutive. The statutory mandatory minimum, however, is reduced to 120 months.

Donaldson asks that his sentence on Counts One, Two, and Three be reduced to 170 months, concurrent, with his other sentences remaining unchanged. His total sentence, therefore, would be reduced from 300 months to 230 months. This would be close to a 20-year sentence, and he would still not be eligible for release until (approximately) 2025. In other words, the

requested reduction would result in a sentence sufficient to recognize the seriousness of the offense and also provide additional time for Donaldson to participate in appropriate BOP programs and prepare for reentry, thus protecting the public by reducing the risk of recidivism.

The government concedes that Donaldson is eligible for further relief but opposes any reduction because the career offender range has not changed. For the reasons stated in *United States v. Logan*, No. CR CCB-10-203 (ECF No. 53), 2019 WL 3391618, at *1 (D. Md. July 26, 2019), the court disagrees. Considering all the applicable statutory factors under 18 U.S.C. § 3553(a), as discussed above, and including Donaldson's good progress and lack of significant infractions within the BOP, the requested reduction is reasonable.

Accordingly, the motion (ECF No. 60) is **GRANTED**. The sentence on Counts One, Two, and Three will be reduced to 170 months, concurrent. Supervised release will be reduced to 6 years on Counts One and Three and 8 years on Count Two. An amended J&C will be issued.

So Ordered this 29th day of October 2019.



Catherine C. Blake
United States District Judge